

EFFECTIVE

March 1, 2020.

Subject(s)**JRM 170, Staff Development and Training**

This policy was updated to inform state operated and private, contracted juvenile justice residential treatment facilities of the required trainings for staff, contractors, sub-contractors and interns. Policy was updated to include the Prison Rape Elimination Act (PREA) of 2003 standards.

Definitions of contractor, employee, direct care worker, medical practitioner, social service worker and staff were added.

Legal base updated to include:

- Prison Rape Elimination Act (PREA), National Standards for Juvenile Facilities, 28 CFR 115.5.
- Prison Rape Elimination Act (PREA), National Standards for Juvenile Facilities, 28 CFR 115.311.
- Prison Rape Elimination Act (PREA), National Standards for Juvenile Facilities, 28 CFR 115.331-115.335.
- Occupational Safety and Health Standards, Bloodborne Pathogens, 29 CFR 1910.1030.
- Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.112a.
- Licensing Rules for Child Caring Institutions, Mich Admin Code, R 400.4101(ii).
- Licensing Rules for Child Caring Institutions, Mich Admin Code, R 400.4606.
- Licensing Rules for Child Caring Institutions, Mich Admin Code, R 400.4128.
- Licensing Rules for Child Caring Institutions, Mich Admin Code, R 400.4142(f).

Reason: Program office clarification and updates to legal base to include the Prison Rape Elimination Act of 2003 National Standards for Juvenile Facilities.

JRM 173, Investigation Protocol

Policy was updated to include general investigation responsibilities for state operated and private, contracted juvenile justice residential facility staff as well as Prison Rape Elimination Act (PREA) investigation responsibilities, documentation and record retention.

Definitions were added for first responder, immediately, PREA compliance manager, PREA investigator, security staff, substantiated allegation, unsubstantiated allegation, unfounded allegation, administrative investigation, criminal investigation and preponderance of evidence.

Updates to the legal base include:

- Juvenile Justice and Delinquency Prevention, 42 USC 5601 et seq.
- Prison Rape Elimination Act, National Standards for Juvenile Facilities, 28 CFR 115.371-115.373.
- Bullard-Plawecki Employee Right to Know Act, MCL 423.501 et seq.
- Executive Order No. 2001-1.03.

Reason: Program office clarification and updated legal base to include Prison Rape Elimination Act (PREA) investigation requirements and policy reduction and consolidation.

JRM 511, Body Searches of Youth

Added Prison Rape Elimination Act (PREA) of 2003, National Standards for Juvenile Justice residential treatment facilities requirements on searches of youth who identify as transgender or intersex and cross-gender pat down searches.

Added definitions for body cavity, body cavity search, exigent circumstances, intersex, medical practitioner, pat down search, strip search and transgender.

Updates to the legal base include:

- Prison Rape Elimination Act (PREA) National Standards for Juvenile Facilities, 28 CFR 115.5.
- Prison Rape Elimination Act (PREA), National Standards for Juvenile Facilities, 28 CFR 115.315.
- Code of Criminal Procedure, 1927 PA 175, MCL 764.25a.
- Code of Criminal Procedure, 1927 PA 175, MCL 764.25b.
- Licensing Rules for Child Caring Institutions, Mich Admin Code, R 400.4167.

Reason: Program office clarification and updated legal base to include Prison Rape Elimination Act requirements for body searches of youth.

JRM 560, Sexual Abuse Prevention and Response

This item has been revised to include Prison Rape Elimination Act (PREA) of 2003, National Standards for Juvenile Facilities, requirements to prevent sexual abuse and sexual harassment.

Definitions were added for age of consent, first responder, security staff, sexual abuse, youth-on-youth sexual abuse, youth-on-youth sexual harassment, sexual harassment and voyeurism by a staff member.

The legal basis was updated to include:

- Prison Rape Elimination Act, National Standards for Juvenile Facilities, 28 CFR 115.5.
- The Child Protection Law, Act 238 of 1975, MCL 722.622(z).
- The Michigan Penal Code, Act 328 of 1931, MCL 750.520a(q)-(r).

Reason: Program office clarification and updated legal base.

Forms

MDHHS-5809-PREA, Prison Rape Elimination Act (PREA) Investigation Tool, may be used by residential facility staff to assist them in the activities required when an incident or report of alleged sexual abuse occurs.

MDHHS-5810-PREA, Prison Rape Elimination Act (PREA) Investigation Report, must be used by the facility's PREA Investigator to record the investigation of alleged sexual abuse.

MDHHS-5817-PREA, Annual Prison Rape Elimination Act (PREA) Staffing Plan Review, must be used by the facility director and/or designee(s) to record the development and implementation of the facility's staffing plan that provides for adequate staffing levels, and where applicable, video monitoring, to protect youth against sexual abuse.

MDHHS-5818-PREA, 30-Day Sexual Abuse Incident Review, must be used by designated facility staff to conduct a sexual abuse incident review at the end of every sexual abuse investigation, unless the allegation was determined to be unfounded.

**MANUAL
MAINTENANCE
INSTRUCTIONS**

Changed Items ...

[JRM 170](#)

[JRM 173](#)

[JRM 511](#)

[JRM 560](#)